

FLOOR SCHEDULE FOR THURSDAY, JULY 18, 2013

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes" per side	1:30 – 2:30 p.m.	6:00 – 7:00 p.m.

**Members are advised that the House is only expected to consider general debate and amendments to H.R. 5 today. Votes on the motion to recommit and final passage of the bill will occur on Friday.

**Members are also advised that following last votes, the House is expected to continue consideration of amendments to H.R. 5. Any recorded votes requested will be postponed until Friday.

H.Res. 303 – Rule providing for consideration of H.R. 5 – “Letting Students Down Act” (Rep. Kline – Education and the Workforce) (One Hour of Debate). The Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Education and the Workforce. The Rule allows 25 amendments debatable for 10 minutes equally divided between the offeror and an opponent. The Rule also makes in order 1 amendment in the nature of a substitute, debatable for 20 minutes, equally divided between the offeror and an opponent. It allows one motion to recommit, with or without instructions. It also waives all points of order against the legislation.

The Rules Committee rejected Democratic motions to make additional amendments in order. The Committee also rejected a motion by Mr. McGovern of Massachusetts to consider H.R. 5 under an open Rule. **Members are urged to VOTE NO.**

Begin Consideration of H.R. 5 – “Letting Students Down Act” (Rep. Kline – Education and the Workforce) (One Hour of Debate). This bill reauthorizes the Elementary and Secondary Education Act (ESEA) for fiscal years 2014 through 2019 and authorizes \$114.3 billion in funding through FY2018 for federal education programs.

The bill makes several detrimental funding changes to programs in ESEA. It combines the funding for all programs and subgroups included in Title I (Improving the Academic Achievement of the Disadvantaged) of ESEA into a block grant called Local Academic Flex Grants. States and local districts are allowed to use these grants for any activity authorized under Title I at any school that receives Title I funds. The bill requires that 10% of the Local Academic Flex Grants be used for private sector schools. The bill also eliminates the poverty threshold requirement of current law, which states that if the percentage of students living in poverty in a particular school is less than 40%, Title I funds must be spent on programs targeting those low-income students specifically. These two changes would have the effect of allowing funds to be diverted away from schools with the highest poverty and allows districts to send less money to low-income schools and more money to wealthier schools. Lastly, H.R. 5 block-grants all funding for special populations such as English learners, migrant students, Native students, and at-risk students, and allows those funds to be spent outside of those populations.

The bill also makes several changes to the the way teachers are evaluated and how funding for teacher improvement can be used. H.R. 5 repeals the highly-qualified teacher requirement (under current law, in order to be deemed a highly qualified teacher, public school teachers must hold at least a bachelor's degree, have obtained full state certification or have passed the state teacher licensing examination, and hold a license to teach), as well as the requirement that qualified teachers be equitably distributed so that some areas are not disproportionately served by unqualified teachers. This allows funding for teacher supports to be shifted away from the poorest schools to wealthier ones. It also eliminates the requirement to ensure quality professional development for teachers, only assessing them for hiring or firing, and eliminates dedicated funding for this purpose.

The bill also weakens protections for students with disabilities and fails to ensure that all children receive quality education. H.R. 5 eliminates the 1% cap for the number of students allowed to be assessed under alternative standards. This would permit all students with disabilities to be held to lower standards and given different assessments, effectively allowing those students to be educated in a lesser system. Further, it removes limits on the numbers of students who can be diverted into this alternate system, creating a perverse incentive to over-identify children for special education as a way to improve the average performance score of those students who remain in the regular assessment

system. Finally, the bill removes graduation rates as an accountability measure, again creating a perverse incentive to encourage lower performing students to drop out.

Instead of improving standards and accountability to ensure that students are college or career ready, H.R. 5 removes accountability provisions that ensure all students receive a quality education. The bill allows states to weaken standards, weaken the assessment process, and institute weak accountability systems that would not require performance targets for student achievement, specific actions to improve low performance, or consequences if schools do not improve.

There is no question that the Elementary and Secondary Education Act is overdue for an update. However, instead of fixing the problems and improving quality and testing provisions, H.R. 5 would provide inadequate funding and move backward on equity and accountability, harming the education of our nation's children. **Members are urged to VOTE NO.**

The Rule makes in order 25 amendments, each debatable for 10 minutes, and 1 amendment in the nature of a substitute, debatable for 20 minutes, equally divided between the offeror and an opponent. The amendments are:

Rep. Kline/Rokita Manager's Amendment. Clarifies that a state opting not to receive funds for a program under the Act shall not be required to carry out any of the requirements of such program and that states and school districts can support civics education efforts, and makes other technical improvements.

Reps. Young (AK)/Gabbard/Hanabusa/McCollum Amendment. Restores, and make policy improvements to, educational support programs for American Indian, Alaska Native, and Native Hawaiian students which are currently authorized under Title VII of the Elementary and Secondary Education Act and would be diminished by HR 5, the Student Success Act.

Rep. Cardenas Amendment. Increases the authorized funding level to \$775,000,000 until FY 2019.

Rep. Luetkemeyer Amendment. Expresses the sense of the Congress that States and local education agencies should maintain the rights and responsibilities of determining curriculum and assessments for elementary and secondary education.

Rep. Jackson-Lee Amendment #5. States that if funding for awards to states is not sufficient then funding will be targeted to schools serving neglected, delinquent, migrant students, English learners, at-risk students, and Native Americans, to increase academic achievements of such students.

Rep. Bentivolio Amendment. Requires State educational agencies to consult with private sector employers and entrepreneurs as part of its education plan. It also requires the Secretary to have representatives from private sector employers appointed to the peer review process by reducing practitioners from 75 percent to 65 percent.

Rep. McMorris Rodgers Amendment. Reinstates the 1 percent cap as it relates to students with the most significant cognizant disabilities participating in the alternate assessments; ensures alternate assessments are tied to academic content standards for grade in which student enrolled; and ensures parents are involved in the development of assessments as it relates to the student's individualized education program.

Reps. Reed/McKinley/Owens Amendment. Clarifies that Local Education Agencies (LEA) and State Education Agencies (SEA) are able to use multiple measures when identifying academic performance measurements instead of the current one-size-fits-all testing assessments.

Rep. Benishek Amendment. Encourages states to include the number of students attaining career and technical education proficiencies enrolled in public secondary schools, in its annual State report card. *This* information is already required to be collected by the Perkins Act.

Rep. Heck (NV) Amendment. Provides LEAs with the option of entering into partnerships or contracts with other entities to implement programs that serve youth in, or transitioning out of, institutions and correctional facilities, and youth at-risk of dropping out of school. This would provide LEAs with the option to partner with organizations that have the existing experience and resources to enhance the effectiveness of services provided by school districts to vulnerable populations through the Neglected/Delinquent program in an integrated fashion.

Reps. Schock/Meehan Amendment. Ensures that greater authority and governance are restored to local educational agencies as delegated by their States. It also ensures that the Secretary of Education does not impose any additional requirements or burdens on local educational agencies unless explicitly authorized by federal law.

Reps. Scalise/Bishop (UT) Amendment. States that under Title II in H.R. 5, there would be no federal mandate for States to conduct teacher evaluations.

Reps. Moore/Wilson (FL) Amendment. Delays implementation of new Title II formula until the Secretary of Education determines that the implementation will not reduce funding for schools serving high percentages of students in poverty.

Rep. Bishop (UT) Amendment. Eliminates Subsection C of Section 21 11, which allows grant money to bypass states and go directly from the Department of Education to local districts.

Rep. Tonko Amendment. Reserves 10% of existing grant funding under the Teacher and Principal Training and Recruiting Fund for competitive sub grants that would allow organizations with STEM expertise to provide STEM professional development and instructional materials throughout the state for elementary and secondary education.

Reps. Brooks/Polis Amendment. Clarifies that federal funds may be used for computer science education.

Reps. Polis/Petri Amendment. Allows charter schools to use grant funds for teacher preparation, professional development, and improving school conditions; ensures that charter schools expand outreach to low-income and underserved populations.

Rep. Velazquez Amendment. Requires that applicants consider how to target their services to low-income students and parents, including low-income students and parents who are not proficient in English.

Rep. Mullin Amendment. Strikes language in the bill that allows consolidated districts to be eligible for payment if they do not qualify after consolidation; strikes language allowing for mid-year adjustment for student counts; makes the 8007 Construction Program a competitive grant program.

Rep. Garrett Amendment. Clarifies that states that opt out of receiving funds, or are not awarded funds, under this Act are not required to carry out any of the requirements of the programs under this Act. The amendment also clarifies that states are not required to participate in any program under this Act.

Rep. Broun Amendment. Requires the Secretary of Education to include in their report to Congress the average salary of employees who were determined to be associated with eliminated or consolidated programs or projects by the underlying legislation and a report on the average salaries of the employees of the Department according to their job function.

Rep. Culberson Amendment. Empowers States by giving them the opportunity to accept or reject federal grant money. Grant money rejected by State legislatures would be dedicated to paying off our outstanding national debt.

Reps. Fitzpatrick/Meehan Amendment. Provides a funding condition for state or local educational agency to be eligible for funds, agency personnel cannot facilitate the transfer of an employee if they know, or have probable cause to believe, that the employee has engaged in sexual misconduct with a minor. Agencies must also require employees be subjected to background checks in compliance with the Adam Walsh Child Protection and Safety Act.

Rep. Jackson-Lee Amendment #24. Creates a report containing recommendations regarding the advisability of authorizing a state education authority to close a school district over the opposition of a locally elected school board, and regarding best practices governing the exercise of authority by a state education agency in monitoring, supervising and controlling underperforming school districts with particular emphasis on rural and under-served school districts.

Reps. Cantor/Bishop (UT) Amendment. Allows Title I funds to follow students to other public schools or charter schools, upon the state opting to allow it.

Rep. Miller (CA) Amendment in the Nature of a Substitute. Reauthorizes the Elementary and Secondary Education Act to maintain the civil rights and equity focus of the law and to ensure all students have access to an education that prepares them for college and the workforce. Supports all students, and in particular those who are historically disadvantaged, through access to high quality state- developed standards, a meaningful but flexible accountability and school improvement system, improved and targeted professional development and working conditions for teachers and school leaders, additional learning time and after-school programs, and dedicated supports for wrap-around services for students and a well-rounded education.

Bill Text for H.R. 5:

[PDF Version](#)

Background for H.R. 5:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

[CRS Report](#): ESEA Reauthorization Proposals in the 113th Congress: Comparison of Major Features

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Friday, July 19: The House will meet at 9:00 a.m. for legislative business. The House is expected to complete consideration of H.R. 5 – "Letting Students Down Act" (Rep. Kline – Education and the Workforce).



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The Daily Quote

"Momentum for a major immigration overhaul has stalled in the House, as Republican leaders there have declared the Senate's 1,200-page bill dead on arrival. But backers of the Senate's framework—a combination of beefed-up border security and a path to citizenship for those already here illegally—have one key advantage going forward: broad public support. A strong majority of Americans, 59 percent, said they would like to see the House either pass the Senate's immigration bill as is or pass a version with even tougher border-control measures, according to the latest United Technologies/National Journal Congressional Connection Poll. In contrast, only one in five voters said they prefer that the House pass no immigration legislation at all, and only 13 percent said they want the House to strip the path to citizenship from the Senate's bill."

- National Journal, 7/17/13